

DAN O'ROURKE
SOUTHWELL & O'ROURKE, P.S.
Attorneys at Law
960 Paulsen Center
W. 421 Riverside Avenue
Spokane, WA 99201
(509) 624-0159

UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **15-03276-FPC11**

**MONTE L. MASINGALE AND ROSANA D.
MASINGALE,**

Chapter 11

Debtors.

**OBJECTION TO CHAPTER 7
TRUSTEE'S MOTION FOR ORDER
DIRECTING CANCELLATION OF
MORTGAGE RECORDED IN
VIOLATION OF AUTOMATIC STAY
AND EXTINGUISHING LIEN**

The undersigned attorney for Debtors objects to "Chapter 7 Trustee's Motion for Order Directing Cancellation of Mortgage Recorded in Violation of Automatic Stay and Extinguishing Lien" filed April 12, 2022 [ECF No. 551] (the "Motion") for several reasons, including the following:

1. Chapter 7 Trustee states in his Notice of Motion [ECF No. 553] that:

"By way of the foregoing motion, the Chapter 7 Trustee seeks the Court's authorization to direct the cancellation and avoidance of the mortgage recorded on September 1, 2021 against real property of the bankruptcy estate located at 19716 E. 8th Avenue, Greenacres, WA 99016 ("Subject Property")."

However, pursuant to Release of Mortgage dated April 14, 2022 and recorded April 21, 2022, recording number 7200662, Southwell & O'Rourke, P.S. released the lien against and in Subject Property.

Objection-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

2. Chapter 7 Trustee's Motion is moot by reason of the filed and recorded Release of Mortgage.

3. Upon this Court ordering the sale of Subject Property, including Debtor's Homestead interest to which the lien attached, the lien should have automatically removed.

DATED this 27th day of April, 2022.

SOUTHWELL & O'ROURKE, P.S.

BY: /s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911
Attorney for Debtors

Objection-2

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159